

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated November 24, 2004. Claims 1-3 and 5-8 are currently pending in the application. As indicated above, Claims 1-3 and 5-6 have been amended, Claims 7 and 8 have been newly added, and Claim 4 has been cancelled without prejudice.

In the Office Action, the Examiner has rejected Claims 1, 2, 5, and 6 under 35 U.S.C. §112, first paragraph, as not being enabling, and Claims 1-6 under 35 U.S.C. §103(a) as being unpatentable over *Dickie* (U.S. 2003/0041206) in view of *Dials et al.* (U.S. 6,000,768). Additionally, the Examiner has objected to the drawings under 37 C.F.R. 1.83(a) and objected to Claim 1 for including the term “rotatably”.

With regard to the rejections under 35 U.S.C. §112, first paragraph, the Examiner asserts that the functions of the “optical alignment system,” as recited in independent Claim 1, are not enabled by the disclosure of the present application. However, as indicated above, the term “alignment” has been deleted from Claims 1, 2, 5 and 6. Therefore, it is respectfully requested that the rejection of Claims 1, 2, 5, and 6 under 35 U.S.C. §112, first paragraph, be withdrawn.

With regard to the objection to the drawings, as indicated above, the specification has been amended to correctly identify the first and second openings, as shown in the drawings. Accordingly, it is respectfully requested that the objection drawings be withdrawn.

Additionally, with regard to the Examiner’s objection to the term “rotatably”, which the Examiner asserts is grammatically incorrect, it is respectfully submitted that the Examiner is incorrect. “Rotatably” is an adverb modifying the verb “mounted”. Therefore, it is respectfully submitted that the term should not be “rotatable” as indicated by the Examiner, and it is respectfully requested that the Examiner’s objection be withdrawn.

With regard to the rejection of independent Claim 1 under 35 U.S.C. §103(a) as being unpatentable over *Dickie* in view of *Dials*, it is respectfully submitted that *Dickie* in view of *Dials* does not teach the device according to the present invention. More specifically, neither of the references, either alone or in combination, teach that the cradle housing is retractable within and protractible out from the desk-top housing, and an optical system mounted within the cradle housing and emitting a beam in a predetermined direction. Therefore, it is respectfully submitted that independent Claim 1 is patentably distinct from *Dickie* in view of *Dials*, and it is respectfully requested that the rejection of Claim 1 be withdrawn.

Based on the arguments presented above, it is respectfully submitted that independent Claim 1 is in condition for allowance. Without conceding the patentability per se of dependent Claims 2-3 and 5-8, they are likewise believed to be allowable by virtue of their dependence on Claim 1. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-3 and 5-8 are respectfully requested.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-3 and 5-8 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over a horizontal line.

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP

333 Earle Ovington Blvd.

Uniondale, New York 11553

Tel: (516) 228-8484

Fax: (516) 228-8516

PJF/DMO/las